

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 17 JAN 2025

Check all that apply:

Bill Number: HB 104Original Correction Amendment Substitute Sponsor: Andrea ReebShort Title: Adding Peace Officers to Victims of Crime Act

Agency Name

and Code

790 – Department of Public Safety

Number:

Person Writing Dale R. WagonerPhone: 505-629-2803 Email: dale.wagoner@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Relating to crime, this bill amends the Criminal Code by adding peace officers, citing various specific forms of assault or battery against a peace officer in the Victims of Crimes Act. These additions to the definition of a “criminal offense,” extends to peace officers the 13 victim’s rights afforded to other victims of crime by the Victims of Crimes Act.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

DPS supports these critical changes to New Mexico’s criminal code. In the past few years, there have been numerous cases of violence against our peace officers. This bill would allow peace officers who are victims of a crime to have the same protections under VOCA as other citizens of New Mexico.

Certain rights are granted to a crime victim under VOCA, including the right to

- Be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process.
- Timely disposition of the case.
- Be reasonably protected from the accused throughout the criminal justice process.
- Notification of court proceedings.
- Attend all public court proceedings the accused has the right to attend.
- Confer with the prosecution.
- Make a statement to the court at sentencing and at any post-sentencing hearings for the accused.
- Restitution from the person convicted of the criminal offense that caused the victim's loss or injury.
- Information about the conviction, sentencing, imprisonment, escape or release of the accused.
- Have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause.
- Promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property; and
- Be informed by the court at a sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the number of meritorious deductions that may be earned by the offender.

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None